UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,589	01/29/2004	Karl Heinz Kremer	H10476/DPS	5210

1333   7590   09/04/2008
EASTMAN KODAK COMPANY
PATENT LEGAL STAFF
343 STATE STREET
ROCHESTER, NY 14650-2201

EXAMINER
NGUYEN, ALLEN H

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
09/04/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/767,589	KREMER ET AL.
	Examiner	Art Unit	
	ALLEN H. NGUYEN	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *17 June 2008*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-20* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) *1-6* is/are allowed.
6) ☒ Claim(s) *7-20* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on *29 January 2004* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☒ All   b) ☐ Some *   c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☒ Certified copies of the priority documents have been received in Application No. <u>60/446,876</u>.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the

fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection.

Since this application is eligible for continued examination under 37 CFR 1.114,

and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the

previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 06/17/2008 has been entered. Currently, claims

1-20 are pending.

Priority

2.   Applicant's claim for the benefit of a prior-filed application under 35 U.S.C.

119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

Response to Arguments

3.   Applicant's arguments filed 06/17/2008 have been fully considered but

they are not persuasive.

4.   With respect to applicant's argument that "Kuwata nor any of the cited art

uses a tab creator to automatically place, balance active tabs and discard the

automatically determined inactive tabs. The generation of the relevant

automatically generated information is discussed throughout the description,

such as on pages 8-10, and the discarding is further discussed on page 11 but is not discussed in Kuwata".

In response: Regarding claims 7, 13, Kuwata discloses discarding each inactive tab associated with said inactive tab locations as needed with the inactive tabs exited to a purge exit before the next active tab is placed in the table adding (i.e., To delete a tab caption, the user selects one or more tabs to be deleted (or cut) by placing a check mark in a field associated with each tab. The user then chooses an Edit/Delete selection to delete the tabs; Page 2, paragraph [0025]); and balancing said active tabs for referencing said tab layout template using said tab creator (i.e., estimate the position of the tab index on the page, position the text box, select the font and size, modify the orientation for the text, enter the text, and finally, adjust the position of the text; Page 1, paragraph [0003]).

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 7-15 are rejected under 35 U.S.C. 102(e) as being anticipated by

Kuwata et al. (US 2003/0222916).

       Regarding claim 7, Kuwata '916 discloses a method for adding tabs to a

document (Tab Sheets, fig. 2) and generating a tabulated document (Tab

Set/New to define a collection of tab sheets, paragraph [0019], fig. 2) comprising:

       storing a muttipage document with a reference for locating tabs (the user

selects the one or more tabs to be copied by placing a check mark in a location

associated with the tab, page 2, paragraph [0023], fig. 2, Tab Sheets);

       storing one or more tab layout templates (i.e., the properties of each tab

sheet of the collection can be changed by invoking a Tab Paper Properties

selection; Page 2, paragraph [0019], fig. 2), each template having a bank(s)

(Bank, fig. 2) of potential tabs including entries (i.e., the user enters the tab

caption in the order of the tab position; Page 2, paragraph [0021], fig. 2);

       selecting one tab layout template (i.e., the user selects Tab 1 and Tab 2

on Tab Sheets, fig. 2) referencing a bank of potential tabs (Bank, fig. 2) and

having a number of entries (Bank 1, fig. 2), from the stored templates (The Tab

Paper Properties menu selection, fig. 2);

       creating a bank of actual potential tab locations in a tab creator table (i.e.,

to create a tab, the user selects a menu option denoted Tab Set/New to define a

collection of tab sheets as a tab object; Page 2, paragraph [0019]) by filling in

each entry (i.e., Tab Sheets: Tab 1, fig. 2) according to tab related line-by-line

information (i.e., the text of all the corresponding tabs is displayed in a editable

line-by-line list, such as Before Page: 1 and Tab Caption: Chapter 1; Page 2,

paragraph [0020], fig. 2) to enable one or more active tabs (i.e., the properties of

each tab sheet of the collection can be changed by invoking a Tab Paper

Properties selection; Page 2, paragraph [0019]) by designating each potential tab

location as active (i.e., the user enters the tab caption in the order of the tab

position; Page 2, paragraph [0021], fig. 2, Tab 1 and Tab 2 are active) or inactive

(Tab3-Tab5, fig. 2) such that said active potential tab location has a page number

(Tab 1 with Page 1 and Tab 2 with Page 2, fig. 2) and said inactive potential tab

location does not have a page number (Tab 3-Tab 5, fig. 2);

        placing each actual tab (Tab 1, fig. 2) associated with said active potential

tab location (Tab Sheets, fig. 2) at the identified page number (Before Page, fig.

2) of the multipage document where tab will appear (i.e., the Tab Paper

Properties menu selection allows the user to modify the number of tabs per

sheet; Page 2, paragraph [0019], fig. 2);

        discarding each inactive tab associated with said inactive tab locations as

needed with the inactive tabs exited to a purge exit before the next active tab is

placed in the table adding (i.e., To delete a tab caption, the user selects one or

more tabs to be deleted (or cut) by placing a check mark in a field associated

with each tab. The user then chooses an Edit/Delete selection to delete the tabs;

Page 2, paragraph [0025]);

        printing the selected tabs and discarding the unselected tabs (i.e., the tab

data and associated properties information are then deleted from the data object

110 and the view object 108 is updated accordingly; Page 2, paragraph [0025]

and Page 1, paragraph[0005]).

Regarding claim 8, Kuwata '916 discloses the method wherein the tabs

are inserted (a user interface that allows a user to generate tab information that

can easily be managed through a number of processes, including editing,

inserting, deleting, copying, etc.; see page 1, paragraph [0011]) at a position

relative to the selected page (Bank, Tab Sheets, fig. 2) and wherein that position

is one of the group consisting of at, before, or after the selected page (Before

Page, fig. 2) and wherein displaying locations of the tabs with respect to the

reference of the multi-page document (i.e., the user selects a List View option,

the text of all the corresponding tabs is displayed in a editable line-by-line list;

see page 2, paragraph [0020]).

Regarding claim 9, Kuwata '916 discloses the method comprising the

further step of adding one or more bank(s) of tabs from the selected tab template

(the user selects the one or more tabs by placing a check mark in a location

associated with the tab, see page 2, paragraph [0023], fig. 2) by identifying the

first of a bank of tabs as active or not and if not then query the next bank of tabs

and if active query each tabular line in the bank separately to save time and

resources (i.e., the tab positions are associated with the number of tabs per tab

sheet, and then automatically wrap around to the first position of the next tab set;

see page 2, paragraph [0021]).

Regarding claim 10, Kuwata '916 discloses the method further comprising

storing one or more indicia templates with sets of indicia corresponding to tabular

indicia (a List View option, the text of all the corresponding tabs is displayed in a

editable line-by-line list; see page 2, paragraph [0020], fig. 3) wherein position

and size of the imagable area on the tab is variable and controlled by the tab

creator not the template (i.e., the view object stores data representative of form

and display control information for displaying the tab information in one of a

single-line editable text format, a tab sheet thumbnail format or a readable text

format; see page 1, paragraph [0005]).

Regarding claim 11, Kuwata '916 discloses the method comprising the

further step of removing banks of unused tabs (to delete a tab caption, the user

selects one or more tabs to be deleted (or cut) by placing a check mark in a field

associated with each tab; see page 2, paragraph [0025]).

Regarding claim 12, Kuwata '916 discloses the method comprising the

further step of removing actual or logical banks of unused tabs (to move a tab

caption, the user selects the one or more tabs to be moved by placing a check

mark in a field associated with each tab, and chooses an Edit/Cut selection to

remove the tabs; see page 2, paragraph [0026]).

Regarding claim 13, Kuwata '916 discloses a method of creating tabulated

pages and inserting the tabulated pages into a document to tabulate the

document (i.e., to generate tab information that can easily be managed through a number of processes, including editing, inserting, deleting, copying; Page 1, paragraph [0011]) comprising:

on a graphical user interface (i.e., the algorithm provides a user interface that allows a user to generate tab information; Page 1, paragraph [0011]), adding a bank of ordered tabulated pages to a table (Add Bank, fig. 2), including a list of tabbed ordered media having individual entries identifying each of the tabbed ordered media of said bank (i.e., the user selects a List View option, the text of all the corresponding tabs is displayed in a editable line-by-line list; Page 2, paragraph [0020]);

generating a new tab entry in a tab creator by cycling through said entries on said list wherein each entry is designated an active tab or an inactive tab (i.e., the user selects a menu option denoted Tab Set/New to define a collection of tab sheets as a tab object; Page 2, paragraph [0019]);

activating one or more active tabs by selecting a page in the multipage document for locating the tab (i.e., the properties of each tab sheet of the collection can be changed by invoking a Tab Paper Properties selection; Page 2, paragraph [0019]);

balancing said active tabs for referencing said tab layout template using said tab creator (i.e., estimate the position of the tab index on the page, position the text box, select the font and size, modify the orientation for the text, enter the text, and finally, adjust the position of the text; Page 1, paragraph [0003]);

entering text data for active tabs (Tab Caption, fig. 2);

entering style data for selected tabs (Font Style, fig. 2);

designating the location of each tab relative to its selected page

(Alignment, fig. 2).

Regarding claim 14, Kuwata '916 discloses the method wherein the

relative location of a tab is selected from the group of relative locations consisting

of before (Before Page, fig. 2), on and after the page (i.e., Tab 1 is before page

1. Therefore Tab 2 is after page 1; see fig. 2, Before Page).

Regarding claim 15, Kuwata '916 discloses a method for adding tabs to a

document (Tab Sheets, fig. 2) comprising the steps of

opening a graphical user interface for creating tabs (i.e., a user interface

that allows a user to generate tab information; see page 1, paragraph [0011], fig.

2, Insert Tab Pages);

selecting a potential tab layout template of a bank of potential tabs (i.e., to

create a tab, the user selects a menu option denoted Tab Set/New to define a

collection of tab sheets as a tab object; Page 2, paragraph [0019]) from the

stored templates (The Tab Paper Properties menu selection, fig. 2);

loading said potential tab layout template to initialize a list of potential tabs

(i.e., user selects a List View option, the text of all the corresponding tabs is

displayed in a editable line-by-line list; Page 2, paragraph [0020]) wherein the

template includes individual entries identifying each of the potential tabs of said

bank (i.e., The Tab Paper Properties menu selection allows the user to modify

the number of tabs per sheet, the tab dimensions, and the print properties of the

tab text; Page 2, paragraph [0019], fig. 2);

generating a new tab entry in a tab creator by cycling through said entries

on said list wherein each entry is designated an active tab or an inactive tab (i.e.,

the user selects a menu option denoted Tab Set/New to define a collection of tab

sheets as a tab object; Page 2, paragraph [0019]) such that said active tab

location has a page number (Tab 1 with Page 1 and Tab 2 with Page 2, fig. 2)

and said inactive tab location does not have a page number (Tab 3-Tab 5, fig. 2);

selecting a tab style template (Font Style, fig. 2) or specify the tab style

attributes (i.e., the tab attributes include the text font name and size, the

orientation and layout of the text in the tab area, the tab position on the tab sheet,

and the position of the tab sheet in the overall document compilation; Page 1,

paragraph [0016]);

selecting a tab label template or creating tab text (i.e., the user invokes the

tab text printing features; Page 1, paragraph [0014]);

verifying that the labels of text fit the tabs (Text Direction/Alignment, fig. 2);

activating one or more tabs to enable one or more active tabs (i.e., the

properties of each tab sheet of the collection can be changed by invoking a Tab

Paper Properties selection; Page 2, paragraph [0019]) by adding a document

page number (Tab Sheets, fig. 2) to identify the relative location of the tab

(Before Page, fig. 2);

selecting the location of the tab relative to the page (i.e., the user selects

Tab 1 and Tab 2 on Tab Sheets, fig. 2) from the group consisting of before, on

and after the page number (Bank, Tab Sheets, Before Page and Tab Caption

shown on fig. 2 displaying locations of the tabs with respect to the multi-page

document).

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

8.   Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kuwata et al. (US 2003/0222916) in view of Schwier et al. (US

2005/0206954).

Regarding claim 16, Kuwata '916 discloses an apparatus for printing

tabulated documents (an object-oriented processor for managing tab text

information, see Abstract) comprising:

a memory (i.e., where the object-based architecture/Tab Information is

resident in a client computer as an embodiment of system 100; page 1,

paragraph [0014], fig. 1) for storing one or more templates of a bank of tabs

including the position of each tab in each bank of tabs relative to the reference

of a document and the size of each tab (i.e., the system 100 includes a software

algorithm 106 that defines the behavior of the tab processing within the system

100 by performing object processing with a view model (or object) 108 and a

data model (or object) 110; see page 1, paragraph [0014], fig. 2);

a computer program operable to select a template for a bank of tabs from

the stored templates (i.e., the code of the software algorithm 106 defines the

system behavior during processing and editing of the tab objects; page 1,

paragraph [0014]);

a display device (a user interface screenshot of the line view, fig. 2) for

displaying a graphic user interface showing locations of tabs with respect to the

reference location (i.e., a user interface that allows a user to generate tab

information that can easily be managed through a number of processes; Page 1,

paragraph [0011]);

a tab creator (a user interface of Insert Tab Pages, fig. 2) for designating

an active tab (Tab 1/Tab 2, fig. 2) or an inactive tab (Tab 3-Tab 5, fig. 2) wherein

said tab creator includes a list of tabbed ordered media having individual entries

identifying each of the tabbed ordered media of said bank (i.e., the text of all the

corresponding tabs is displayed in a editable line-by-line list; Page 2, paragraph

[0020], fig. 2);

said computer program (program modules, page 1, paragraph [0012])

further operable to activate one or more of the tab positions of the bank of tabs

(i.e., the properties of each tab sheet of the collection can be changed by

invoking a Tab Paper Properties selection; Page 2, paragraph [0019]) when said

tab position (Tab Sheets, fig. 2) is designated at a page of a multipage document

(Before Page, fig. 2);

said computer program (program modules, page 1, paragraph [0012])

operable to add indicia to the activated tabs (i.e., Properties menu selection

allows the user to modify the tab information; Page 2, paragraph [0019]);

Kuwata '916 does not explicitly show a printer having supply bins for

holding print stock in one bin and tab stock in another bin;

a print engine for printing the document including inserting printed tabs

with indicia into the document;

discharge bins including one bin for receiving the printed, tabulated

document and another bin for receiving unused tabs not activated by the

computer program.

However, the above-mentioned claimed limitations are well known in the

art as evidenced by Schwier '954. In particular, Schwier '954 teaches a printer

(Printer 11, fig. 3) having supply bins (Input Trays, fig. 3) for holding print stock in

one bin and tab stock in another bin (i.e., the control device 14 controls the input

trays 15 such that a predetermined sheet to be printed such as, for example, a

white page of paper of a register page is drawn from a specific input tray 15/1,

15/2, 15/3, is supplied to the printing unit 13; see page 3, paragraph [0029], fig.

3);

a print engine (Printing Unit 13, fig. 3) for printing the document including

inserting printed tabs with indicia into the document (Figs. 2, 5);

discharge bins (Output Trays, fig. 3) including one bin for receiving the

printed, tabulated document and another bin for receiving unused tabs not

activated by the computer program (i.e., the printing unit 13, is printed there if

applicable, is further transported from the printing unit 13 to the fixing station 17,

and there is fixed and then deposited in a predetermined output tray 18/1, 18/2,

18/3; Page 3, paragraph [0029], fig. 3).

In view of the above, having the system of Kuwata '916 and then given the

well-established teaching of Schwier '954, it would have been obvious to one

having ordinary skill in the art at the time of the invention was made to modify the

system of Kuwata '916 as taught by Schwier '954 to include: a printer having

supply bins for holding print stock in one bin and tab stock in another bin; a print

engine for printing the document including inserting printed tabs with indicia into

the document; and discharge bins including one bin for receiving the printed,

tabulated document and another bin for receiving unused tabs not activated by

the computer program, since Schwier '954 stated on page 1, paragraph [0004]

that such a modification would ensure professional printing systems are often

equipped with a function that allows the automatic printing of register pages.

Regarding claim 17, Kuwata '916 discloses the apparatus wherein the

memory (i.e., where the object-based architecture/Tab Information is resident in

a client computer as an embodiment of system 100; page 1, paragraph [0014],

fig. 1) further stores templates of labels for tabular indicia (Tab Sheets, fig. 2).

Regarding claim 18, Kuwata '916 discloses the apparatus wherein the

memory (i.e., where the object-based architecture/Tab Information is resident in

a client computer as an embodiment of system 100; page 1, paragraph [0014],

fig. 1) further stores templates of styles for tabular indicia (Font Style, fig. 2).

Regarding claim 19, Kuwata '916 discloses the apparatus wherein the

memory (i.e., where the object-based architecture/Tab Information is resident in

a client computer as an embodiment of system 100; page 1, paragraph [0014],

fig. 1) further stores templates of banks of ordered tabular media (Add Bank, fig.

2).

Regarding claim 20, Kuwata '916 discloses the apparatus further

comprising means (program modules, page 1, paragraph [0012]) for removing

banks of actual or logical unused tabs (i.e., to move a tab caption, the user

selects the one or more tabs to be moved by placing a check mark in a field

associated with each tab; see page 2, paragraph [0026]).

9.   Claims 1-6 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the closest prior art Kuwata (US 2003/0222916) fails to

show or fairly suggest a printing method for locating tabs during a print job having

multiple output sets, each said set including a plurality of sheets of tabbed

ordered media having a repetitive sequence and a plurality of other sheets of

media, the method comprising printing the print job, said printing including the

steps of: repeating said <u>loading, iterating,</u> balancing, feeding, determining,

discarding and setting steps for each of said output sets in <u>full banks such that if</u>

<u>there are entries in a bank not assigned to the table that a blank is entered into</u>

<u>the table for the rest of the tab entries in that bank</u> of tabs.

Regarding claims 2-6, the claims are allowable due to dependence from

the respective base claim 1.

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

        Motamed et al. (US 2001/0046059) discloses method and apparatus for

tab printing.

        Nguyen et al. (US 2006/0095838) discloses object-oriented processing of

tab text.

        Hube (US 5,337,161) discloses tab image extraction and placement.

11.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to ALLEN H. NGUYEN whose telephone

number is (571)270-1229. The examiner can normally be reached on M-F from

9:00 AM-6:00 PM.

        If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, King Poon can be reached on (571)-272-7440. The fax

phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625

/Allen H Nguyen/
Examiner, Art Unit 2625